



Senate

General Assembly

File No. 714

January Session, 2015

Substitute Senate Bill No. 1053

Senate, April 16, 2015

The Committee on Education reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT PROHIBITING OUT-OF-SCHOOL SUSPENSIONS AND
EXPULSIONS FOR STUDENTS IN PRESCHOOL AND GRADES
KINDERGARTEN TO TWO.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 10-233c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2015*):

4 (a) Any local or regional board of education may authorize the
5 administration of the schools under its direction to suspend from
6 school privileges [any] a pupil whose conduct on school grounds or at
7 a school sponsored activity is violative of a publicized policy of such
8 board or is seriously disruptive of the educational process or
9 endangers persons or property or whose conduct off school grounds is
10 violative of such policy and is seriously disruptive of the educational
11 process. In making a determination as to whether conduct is seriously
12 disruptive of the educational process, the administration may consider,
13 but such consideration shall not be limited to: (1) Whether the incident

14 occurred within close proximity of a school; (2) whether other students
15 from the school were involved or whether there was any gang
16 involvement; (3) whether the conduct involved violence, threats of
17 violence or the unlawful use of a weapon, as defined in section 29-38,
18 and whether any injuries occurred; and (4) whether the conduct
19 involved the use of alcohol. Any such board may authorize the
20 administration to suspend transportation services for [any] a pupil
21 whose conduct while awaiting or receiving transportation to and from
22 school endangers persons or property or is violative of a publicized
23 policy of such board. Unless an emergency exists, no pupil shall be
24 suspended without an informal hearing by the administration, at
25 which such pupil shall be informed of the reasons for the disciplinary
26 action and given an opportunity to explain the situation, provided
27 nothing herein shall be construed to prevent a more formal hearing
28 from being held if the circumstances surrounding the incident so
29 require, and further provided no pupil shall be suspended more than
30 ten times or a total of fifty days in one school year, whichever results in
31 fewer days of exclusion, unless such pupil is granted a formal hearing
32 pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a. If
33 an emergency situation exists, such hearing shall be held as soon after
34 the suspension as possible.

35 Sec. 2. Subsection (g) of section 10-233c of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective July*
37 *1, 2015*):

38 (g) On and after July 1, [2010,] 2015, all suspensions pursuant to this
39 section shall be in-school suspensions, [unless] except a local or
40 regional board of education may authorize the administration of
41 schools under its direction to impose an out-of-school suspension on
42 any pupil in grades three to twelve, inclusive, if, during the hearing
43 held pursuant to subsection (a) of this section, (1) the administration
44 determines that the pupil being suspended poses such a danger to
45 persons or property or such a disruption of the educational process
46 that the pupil shall be excluded from school during the period of
47 suspension, or (2) the administration determines that an out-of-school

48 suspension is appropriate for such pupil based on evidence of (A)
49 previous disciplinary problems that have led to suspensions or
50 expulsion of such pupil, and (B) efforts by the administration to
51 address such disciplinary problems through means other than out-of-
52 school suspension or expulsion, including positive behavioral support
53 strategies. An in-school suspension may be served in the school that
54 the pupil attends, or in any school building under the jurisdiction of
55 the local or regional board of education, as determined by such board.

56 Sec. 3. Subsection (a) of section 10-233d of the general statutes is
57 repealed and the following is substituted in lieu thereof (*Effective July*
58 *1, 2015*):

59 (a) (1) Any local or regional board of education, at a meeting at
60 which three or more members of such board are present, or the
61 impartial hearing board established pursuant to subsection (b) of this
62 section, may expel, subject to the provisions of this subsection, any
63 pupil in grades three to twelve, inclusive, whose conduct on school
64 grounds or at a school-sponsored activity is violative of a publicized
65 policy of such board or is seriously disruptive of the educational
66 process or endangers persons or property or whose conduct off school
67 grounds is violative of such policy and is seriously disruptive of the
68 educational process, provided a majority of the board members sitting
69 in the expulsion hearing vote to expel and that at least three
70 affirmative votes for expulsion are cast. In making a determination as
71 to whether conduct is seriously disruptive of the educational process,
72 the board of education or impartial hearing board may consider, but
73 such consideration shall not be limited to: (A) Whether the incident
74 occurred within close proximity of a school; (B) whether other students
75 from the school were involved or whether there was any gang
76 involvement; (C) whether the conduct involved violence, threats of
77 violence or the unlawful use of a weapon, as defined in section 29-38,
78 and whether any injuries occurred; and (D) whether the conduct
79 involved the use of alcohol.

80 (2) Expulsion proceedings pursuant to this section, except as

81 provided in subsection (i) of this section, shall be required for any
82 pupil in grades kindergarten to twelve, inclusive, whenever there is
83 reason to believe that any pupil (A) on school grounds or at a school-
84 sponsored activity, was in possession of a firearm, as defined in 18
85 USC 921, as amended from time to time, or deadly weapon, dangerous
86 instrument or martial arts weapon, as defined in section 53a-3, (B) off
87 school grounds, did possess such a firearm in violation of section 29-35
88 or did possess and use such a firearm, instrument or weapon in the
89 commission of a crime under chapter 952, or (C) on or off school
90 grounds, offered for sale or distribution a controlled substance, as
91 defined in subdivision (9) of section 21a-240, whose manufacture,
92 distribution, sale, prescription, dispensing, transporting or possessing
93 with intent to sell or dispense, offering, or administering is subject to
94 criminal penalties under sections 21a-277 and 21a-278. Such a pupil
95 shall be expelled for one calendar year if the local or regional board of
96 education or impartial hearing board finds that the pupil did so
97 possess or so possess and use, as appropriate, such a firearm,
98 instrument or weapon or did so offer for sale or distribution such a
99 controlled substance, provided the board of education or the hearing
100 board may modify the period of expulsion for a pupil on a [case by
101 case] case-by-case basis, and as provided for in subdivision (2) of
102 subsection (c) of this section.

103 (3) Unless an emergency exists, no pupil shall be expelled without a
104 formal hearing held pursuant to sections 4-176e to 4-180a, inclusive,
105 and section 4-181a, provided whenever such pupil is a minor, the
106 notice required by section 4-177 and section 4-180 shall also be given to
107 the parents or guardian of the pupil. If an emergency exists, such
108 hearing shall be held as soon after the expulsion as possible. The notice
109 shall include information concerning legal services provided free of
110 charge or at a reduced rate that are available locally and how to access
111 such services.

112 Sec. 4. (NEW) (*Effective July 1, 2015*) No child enrolled in a preschool
113 program provided by a local or regional board of education, state or
114 local charter school or interdistrict magnet school shall be expelled

115 from such preschool program or receive an out-of-school suspension,
116 except that a child shall be expelled for one calendar year from such
117 preschool program if the provider of such preschool program finds
118 that a child (1) at such preschool was in possession of a firearm, as
119 defined in 18 USC 921, as amended from time to time, or deadly
120 weapon, dangerous instrument or martial arts weapon, as defined in
121 section 53a-3 of the general statutes, (2) away from such preschool, did
122 possess such a firearm in violation of section 29-35 of the general
123 statutes or did possess and use such a firearm, instrument or weapon
124 in the commission of a crime under chapter 952 of the general statutes,
125 or (3) at or away from such preschool, offered for sale or distribution a
126 controlled substance, as defined in subdivision (9) of section 21a-240 of
127 the general statutes, whose manufacture, distribution, sale,
128 prescription, dispensing, transporting or possessing with intent to sell
129 or dispense, offering, or administering is subject to criminal penalties
130 under sections 21a-277 and 21a-278 of the general statutes. The
131 preschool program provider may modify the period of expulsion for a
132 child on a case-by-case basis.

133 Sec. 5. Subsection (a) of section 10-76v of the general statutes is
134 repealed and the following is substituted in lieu thereof (*Effective July*
135 *1, 2015*):

136 (a) Early detection and prevention programs funded under the
137 provisions of sections 10-76u to 10-76x, inclusive, as amended by this
138 act, shall include (1) a component for systematic early detection and
139 screening to identify children experiencing early school adjustment
140 problems, and (2) services for any child in grades kindergarten to two,
141 inclusive, who (A) have been identified as at-risk for disciplinary
142 problems at school, or (B) may have been expelled pursuant to section
143 10-233d, as amended by this act, for conduct at school that would have
144 caused a child enrolled in grades three to twelve, inclusive, to be
145 expelled under section 10-233d, as amended by this act.

146 Sec. 6. Subsection (b) of section 10-76u of the general statutes is
147 repealed and the following is substituted in lieu thereof (*Effective July*

148 1, 2015):

149 (b) The Commissioner of Education shall solicit grant applications
 150 from local and regional boards of education which shall be submitted
 151 annually to the commissioner at such time and on such forms as the
 152 commissioner prescribes. The commissioner shall issue not less than
 153 four grants by September fifteenth of each year. In determining if a
 154 board of education shall be granted funds pursuant to this section and
 155 sections 10-76v to 10-76x, inclusive, as amended by this act, the
 156 commissioner shall consider, but such consideration shall not be
 157 limited to, the following factors: (1) Availability in the school and
 158 community of professional, paraprofessional, and other program staff
 159 with background and experience in early intervention; (2) availability
 160 of space to accommodate the program in an elementary school
 161 building; (3) demonstration of strong support by administrative
 162 personnel, teaching staff, pupil personnel staff and local community
 163 mental health centers; [and] (4) reasonable evidence of future stability
 164 of the program and its personnel; and (5) the number of children
 165 enrolled in grades kindergarten to two, inclusive, in a school under the
 166 jurisdiction of such board of education who may have been expelled
 167 pursuant to section 10-233d, as amended by this act, for conduct at
 168 school that would have caused a child enrolled in grades three to
 169 twelve, inclusive, to be expelled under section 10-233d, as amended by
 170 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	10-233c(a)
Sec. 2	July 1, 2015	10-233c(g)
Sec. 3	July 1, 2015	10-233d(a)
Sec. 4	July 1, 2015	New section
Sec. 5	July 1, 2015	10-76v(a)
Sec. 6	July 1, 2015	10-76u(b)

ED

Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill does not result in a fiscal impact, as it makes clarifying and procedural changes, including: prohibiting local or regional boards of education from using the following forms of discipline on students in grades kindergarten through two: (1) out-of school suspension and (2) expulsion, makes procedural changes to expulsion laws, allows early detection and prevention programs to benefit children in grades kindergarten through two, and allows the education commissioner to consider an additional factor when awarding school-based primary mental health program grants to local or regional boards of education.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1053*****AN ACT PROHIBITING OUT-OF-SCHOOL SUSPENSIONS AND EXPULSIONS FOR STUDENTS IN PRESCHOOL AND GRADES KINDERGARTEN TO TWO.*****SUMMARY:**

This bill prohibits local or regional boards of education from using the following forms of discipline on students in grades kindergarten through two: (1) out-of school suspension and (2) expulsion. It also prohibits local and regional boards of education, charter schools, and interdistrict magnet schools that enroll preschool students from expelling preschool students.

Under current law, any student enrolled in a school run by a local or regional board of education must be expelled for one calendar year whenever there is reason to believe that the student:

1. possessed a firearm, deadly weapon, dangerous instrument, or martial arts weapon on school grounds or at a school-sponsored activity (see BACKGROUND);
2. possessed such a firearm, instrument, or weapon in the commission of a crime off school grounds; or
3. offered a controlled substance for sale or distribution on or off school grounds whose manufacture, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell, dispense, offer, or administer is subject to criminal penalties under state law.

These mandatory expulsion provisions comply with the federal Gun-Free Schools Act of 1994 (P.L. 103-382). The bill retains the mandatory expulsion requirement and clarifies that students enrolled

in a preschool operated by a board of education are subject to it. The bill also subjects students enrolled in a charter school or interdistrict magnet school preschool program to this requirement.

Additionally, the bill allows early detection and prevention programs, specifically the school-based primary mental health program, to serve children in grades kindergarten through two. This program detects and prevents emotional, behavioral, and learning problems in public school children, especially in grades kindergarten through three.

It allows these programs to include services for any children in these grades who (1) have been identified as at-risk for disciplinary problems at school or (2) may have been expelled for conduct at school that would have caused a child in grades three through 12 to be expelled under state law. It is unclear how “at-risk students” and “students who may have been expelled” would be identified.

Also, the bill allows the education commissioner to consider, as an additional factor when awarding school-based primary mental health program grants to local or regional boards of education, the number of children enrolled in grades kindergarten to two who may have been expelled for conduct at school that would have caused a child in grades three through 12 to be expelled under state law. It is unclear how “students who may have been expelled” would be identified.

BACKGROUND

Categories of Weapons Requiring Expulsion

Table 1 describes the four weapons categories requiring mandatory expulsion.

Table 1: Categories of Weapons Requiring Expulsion

<i>Weapon Category</i>	<i>Descriptions & Examples</i>
1. Firearm	Any weapon that can expel a projectile by the action of an explosive; a firearm frame, receiver, muffler, or silencer; or any destructive device, which includes explosives, incendiaries, and poison gases (but not rifles intended for sporting, recreational, or cultural purposes or knives) (18 USC § 921(a)(3)-(4))

2. Deadly Weapon	Any device from which a shot can be discharged, a switchblade or gravity knife, billy, blackjack, bludgeon, or metal knuckles (CGS § 53a-3(6)) An air pistol, such as a pellet gun (<i>State v. Hardy</i> , 278 Conn. 113 (2006))
3. Dangerous Instrument	A device or animal that, under the circumstances in which it is used, can cause death or serious injury, including an attack dog or a vehicle (CGS § 53a-3(7))
4. Martial Arts Weapon	A nunchaku, kama, kasari-fundo, octagon sai, tonfa, or Chinese star (CGS § 53a-3(21))

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/27/2015)